

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

DUBLIN DIVISION

ROBERT K. CHAMBERS,)	
)	
Plaintiff,)	
)	
v.)	CV 315-067
)	
SHERIFF PEACOCK, and JOHN DOE,)	
)	
Defendants.)	

MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

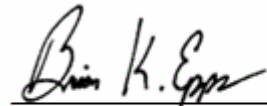
Plaintiff, an inmate at Coastal State Prison in Garden City, Georgia, commenced the above-captioned civil rights case pursuant to 42 U.S.C. § 1983. He is proceeding *pro se* and requested permission to proceed *in forma pauperis* (“IFP”). On August 4, 2015, the Court directed Plaintiff to return his Prisoner Trust Fund Account Statement and Consent to Collection of Fees forms within thirty days and advised Plaintiff that all prisoners, even those proceeding IFP, must pay the filing fee of \$350.00 in full. 28 U.S.C. § 1915(b)(1). Plaintiff was cautioned that failure to respond would be an election to have this case voluntarily dismissed without prejudice. (See doc. no. 10.)

Plaintiff subsequently submitted his Prisoner Trust Fund Account Statement but did not submit his Consent to Collection of Fees Form. (See doc. nos. 11, 12.) The Court warned Plaintiff that he had not complied with the Court’s Order and gave him an extra fourteen days to submit the completed Consent to Collection of Fees Form. (doc. no. 13.) Plaintiff has not provided any explanation as to why he has not complied with the Court’s

Order and returned the Consent to Collection of Fees Form, a document that requires no input from any prison official but only Plaintiff's signature agreeing to the terms for collecting installment payments for the \$350.00 filing fee for this case.

Plaintiff cannot proceed IFP unless he submits the requisite Trust Fund Account Statement and consents to the collection of the entire \$350.00 filing fee in installments. Wilson v. Sargent, 313 F.3d 1315, 1319, 1321 (11th Cir. 2002) (citing 28 U.S.C. § 1915). Plaintiff has been warned that failing to return the necessary IFP papers would be an election to have his case voluntarily dismissed. As Plaintiff has neither fulfilled the requirements for proceeding IFP, nor paid the filing fee, the Court **REPORTS** and **RECOMMENDS** that this case be **DISMISSED** without prejudice and Plaintiff's motions for a preliminary injunction and equitable tolling be **DENIED AS MOOT**, (doc. nos. 5, 6).

SO REPORTED and RECOMMENDED this 28th day of October, 2015, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA